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Counsel for Defendants

Counsel for Plaintiff Epic Games, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC et al., Case
No. 3:20-cv-05671-JD

Case No. 3:21-md-02981-JD

**JOINT NOTICE REGARDING ENTRY
OF JUDGMENT AND ATTORNEY'S
FEES AND COSTS**

Judge: Hon. James Donato

1 Plaintiff Epic Games (“Epic”) and Defendants (“Google”) have met and conferred
2 regarding the entry of judgment and the request for attorney’s fees and costs, and jointly state the
3 following:

4 WHEREAS, the Court entered an order on October 7, 2024 stating it would enter judgment
5 for Epic on its Sherman Act, Cartwright Act, and UCL claims after Epic’s attorney’s fees and
6 costs are awarded;

7 WHEREAS, Google has taken an appeal to the United States Court of Appeals for the
8 Ninth Circuit, the parties have agreed that all liability and injunction issues that Google is
9 appealing will be briefed together on a schedule ordered by the Court of Appeals on October 22,
10 2024, and the parties believe that the entry of judgment would streamline the procedural posture in
11 the Court of Appeals;

12 WHEREAS, there is currently no deadline for Epic to submit its request for fees and costs;

13 WHEREAS, Local Rule 54-5(a) requires the parties to meet and confer on all fees and
14 costs requests, and Epic and Google continue to confer on a process to address attorney’s fees and
15 costs in an efficient manner;

16 WHEREAS, under Local Rule 54-5 and Fed. R. Civ. P. 54(d)(2)(B), the Court may enter
17 judgment and set an alternative schedule for, or defer the disposition of, fees and costs.

18 In light of the foregoing, Epic and Google THEREFORE jointly request as follows:

- 19 1. That the Court enter judgment in this matter now, prior to the resolution of Epic’s
20 request for attorney’s fees and costs. Epic shall pay damages on Google’s
21 counterclaim within 30 days of entry of judgment. The damages shall be paid out
22 of the escrow account created pursuant to Section 2 of the Joint Stipulation and
23 Order Regarding Epic Games, Inc.’s Request for Preliminary Relief. (MDL Dkt.
24 239 at 3.) Any excess or deficiency in the amount in the escrow account shall be
25 addressed as specified in Section 4 of the Joint Stipulation and Order. (*Id.* at 3-4)
- 26 2. That the Court defer setting a briefing schedule on attorney’s fees and costs while
27 the parties meet and confer on this issue. The parties will promptly advise the
28 Court of any resolution of this matter. If the parties are unable to resolve the issue,

1 then the parties will ask the Court to set a briefing schedule at that time. For the
2 avoidance of doubt, this paragraph also applies to briefing on the bill of costs under
3 Local Rule 54-1 and Fed. R. Civ. P. 54(d)(1) and does not constitute a waiver of
4 costs.
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1 DATED: November 11, 2024

CRAVATH, SWAINE & MOORE LLP

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3 By: s/ Gary A. Bornstein

4 Gary A. Bornstein (*pro hac vice*)

5 Counsel for Plaintiff Epic Games, Inc.

6
7 DATED: November 11, 2024

MUNGER, TOLLES & OLSON LLP

8
9 By: s/ Glenn D. Pomerantz

10 Glenn D. Pomerantz

11 Counsel for Defendants Google LLC et al.

12 DATED: November 11, 2024

MORGAN, LEWIS & BOCKIUS LLP

13
14 By: s/ Brian C. Rocca

15 Brian C. Rocca

16 Counsel for Defendants Google LLC et al.

CIVIL L.R. 5-1(i)(3) ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), the filer of this document attests that concurrence in the filing of the document has been obtained from each of the other signatories.

By: s/ Lauren N. Beck
Lauren N. Beck